

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MANUEL BOLIVAR, ANDRES RUBIO,
and JANNETH QUINTERO, individually and
on behalf of all those persons similarly
situated,

Plaintiffs,

- against -

FIT INTERNATIONAL GROUP CORP.,
FOREX INTERNATIONAL TEAM INC.,
JAIRO ENRIQUE SANCHEZ, and
DILIA MARGARITA BAEZ,

Defendants.

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DATE FILED: October 9, 2015

ORDER OF DEFAULT

12 Civ. 781 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

WHEREAS, pursuant to RULE 55(b) of the Federal Rules of Civil Procedure and Rule 55.2(b) of the Local Rules for the Southern District of New York, Lead Plaintiffs, MANUEL BOLIVAR, ANDRES RUBIO and JANNETH QUINTERO ("Lead Plaintiffs"), have applied for entry of judgment by default against Defendants FIT INTERNATIONAL GROUP CORP., FOREX INTERNATIONAL TEAM INC., JAIRO ENRIQUE SANCHEZ, and DILIA MARGARITA BAEZ ("Defendants"), based on Defendants' failure to answer or otherwise respond to the Class Action Complaint in this action; and

WHEREAS, on February 1, 2012, this action was commenced by filing the Class Action Complaint, and a Summons was issued to each Defendant; and

WHEREAS, on March 21, 2012, Defendant FIT INTERNATIONAL GROUP CORP. was duly served with copies of the Summons and Class Action Complaint. The Return of Service was filed on March 28, 2012; and

WHEREAS, on February 16, 2012, Defendant FOREX INTERNATIONAL TEAM INC. was duly served with copies of the Summons and Class Action Complaint. The Affidavit of Service was filed on March 28, 2012; and

WHEREAS, on April 10, 2014, the Court authorized alternative service of the Summons and Class Action Complaint on Defendants JAIRO ENRIQUE SANCHEZ and DILIA MARGARITA BAEZ via publication pursuant to Rule 4(f)(3) of the Federal Rules of Civil Procedure; and

WHEREAS, proof of publication as to Defendants JAIRO ENRIQUE SANCHEZ and DILIA MARGARITA BAEZ was filed on August 27, 2014; and

WHEREAS, Defendants FIT INTERNATIONAL GROUP CORP., FOREX INTERNATIONAL TEAM INC., JAIRO ENRIQUE SANCHEZ, and DILIA MARGARITA BAEZ have failed to answer or otherwise move with respect to the Class Action Complaint, and the time for answering the Class Action Complaint has expired pursuant to Rule 12(a)(1)(A) of the Federal Rules of Civil Procedure; and

WHEREAS, on September 18, 2014, the Clerk of the United States District Court for the Southern District of New York issued a Clerk's Certificate regarding the defaults of Defendants FIT INTERNATIONAL GROUP CORP., FOREX INTERNATIONAL TEAM INC., JAIRO ENRIQUE SANCHEZ, and DILIA MARGARITA BAEZ; and

WHEREAS, on January 14, 2015, by Order of the Court, the Court authorized class certification and appointed MANUEL BOLIVAR, ANDRES RUBIO, and JANNETH QUINTERO as Lead Plaintiffs, and the law firm of Kachroo Legal Services, P.C., as Class Counsel; and

WHEREAS, Lead Plaintiffs have satisfied the requirement of Local Rule 55.2 requiring service by mail of all papers submitted to the Court in connection with an application for default judgment; and

WHEREAS, the Court accepts as true the factual allegations in the Class Action Complaint against the Defendants who have defaulted in this action; and

WHEREAS, this Court ordered Defendants FIT INTERNATIONAL GROUP CORP., FOREX INTERNATIONAL TEAM INC., JAIRO ENRIQUE SANCHEZ, and DILIA MARGARITA BAEZ to show cause on September 10, 2015 why default judgment should not be entered against them; and

WHEREAS, Defendants have not appeared or otherwise communicated with this Court; it is hereby

ORDERED that an Order of Default be entered in favor of Plaintiffs MANUEL BOLIVAR, ANDRES RUBIO, and JANNETH QUINTERO, individually and on behalf of all those persons similarly situated, against Defendants FIT INTERNATIONAL GROUP CORP., FOREX INTERNATIONAL TEAM INC., JAIRO ENRIQUE SANCHEZ, and DILIA MARGARITA BAEZ.

IT IS FURTHER ORDERED that this matter is referred to Magistrate Judge Debra C. Freeman for an inquest into damages.

Dated: New York, New York
October 8, 2015

SO ORDERED.



Paul G. Gardephe
United States District Judge